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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/936,688	12/28/2001	Thierry Brusseaux	09669.008001	9251
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OSHA LIANG L.L.P. 1221 MCKINNEY STREET SUITE 2800 HOUSTON, TX 77010			RUHL, DENNIS WILLIAM	
			ART UNIT	PAPER NUMBER
			3629	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/936,688

Applicant(s)

BRUSSEAU, THIERRY

Examiner

Dennis Ruhl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/23/07 has been entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 27,28,31,32, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claims 27,31, it is not clear if the last paragraph of the claim is required or not. As applicant is well aware of, method claims are for the claiming of actual positive recitations of doing acts. Method claims are for reciting steps in a method. In claim 27, it is not clear if the last paragraph of the claim is required or not. This is because it is claimed that the control list is provided only if requested between the start time and ending time. Because it is not claimed that any request has been set forth, then it must be that the control list is not required in the scope of this claim. If the request is not claimed, then the control list is not being provided. It is not clear to one wishing to avoid infringement if the last paragraph of the claim is required for infringement or not. Is the control list being supplied or not? The examiner is not going to give patentable weight to method steps that are not even positively being claimed, but in this case, it is not

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clear as to what is actually being claimed. The claim will be examined as it is best understood by the examiner.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fulcher et al. (6505774) in view of Ilen (WO 96/11453).

For claims 22,24, Fulcher discloses an automated parking fee collection and parking ticket dispensing system. Fulcher discloses a parking machine 2 that is in communication with a parking server (offsite computer 512). It is disclosed that information in the form of data and program files is communicated between the server and the ticket machine. See column 19, lines 16-19, lines 51-54; column 23, lines 1-12, lines 23-30. See column 19, lines 20-29 for the disclosure of having the customer input information concerning the parking location (spot number), and the amount of parking time that the space will be used. The parking machine is disclosed as calculating the parking fee and providing tickets to the customers, which are then supposed to be placed inside their vehicle so that it can be visually inspected (see column 17, line 65 to column 18, line 1; 18, lines 34-37; column 19, lines 28-33).

Not disclosed is the use of a mobile phone as claimed. Also not disclosed is that

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the parking tickets have information concerning the parking time. Also not disclosed is that the identification of the parking machine is entered by the motorist.

Ilen discloses a method and system where a user can pay for parking fees by using their mobile phone. The mobile phone is used to send data to a central computer (parking server) so that the parking fee can be paid for. The user is disclosed as using the phone to submit information such as parking location and parking time (see page 3). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Fulcher with the ability to take parking data and payment data by phone as disclosed by Ilen, so that the user has a convenient and easy way to pay for parking. This would then result in data being sent by phone to the server 512, and then to the parking machine 2 so that a parking ticket can be printed for the motorist to place inside their vehicle.

With respect to the parking tickets having the desired period of parking, in view of the fact that a parking ticket is disclosed as being given to the motorist to be placed in their vehicle, and knowing that the parking tickets normally contain information concerning the parking transaction (cost, date, identification of item/service purchased, etc.), it would have been obvious to one of ordinary skill in the art at the invention was made to provide the parking tickets with desired period of parking, so that the user has an accurate parking ticket. One of ordinary skill in the art would have found it obvious to put the parking period on the receipt.

With respect to the motorist entering the identification of the parking ticket machine, the examiner notes that Fulcher discloses that the motorist identifies the

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vehicle space they are parking in. Fulcher recognizes the importance of having the motorist provide some kind of identifying data that indicates where their vehicle is parked. In view of this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the motorist identify the parking ticket machine they are parked at, which at the same time may also identify the parking space, so that the parking management system knows where the vehicle is parked. One of ordinary skill in the art at the time the invention was made would have found it obvious to identify the parking ticket machine you are parked at, which will identify a space you are parked at or the zone where you are parked. Because Fulcher discloses the receiving of parking space identification data, one of ordinary skill in the art would have found it obvious to use other parking space identification data, such as identification of the parking ticket machine you are parked at.

For claims 25,27, Fulcher discloses an automated parking fee collection and parking ticket dispensing system. Fulcher discloses a parking machine 2 that is in communication with a parking server (offsite computer 512). It is disclosed that information in the form of data and program files is communicated between the server and the ticket machine. See column 19, lines 16-19, lines 51-54; column 23, lines 1-12, lines 23-30. See column 19, lines 20-29 for the disclosure of having the customer input information concerning the parking location (spot number), and the amount of parking time that the space will be used. The parking machine is disclosed as calculating the parking fee and providing tickets (a control list) to the motorist, where the tickets are

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then supposed to be placed inside the vehicle so that it can be visually inspected (see column 17, line 65 to column 18, line 1; 18, lines 34-37; column 19, lines 28-33).

Not disclosed is the use of a mobile phone as claimed. Not disclosed is that the server obtains a vehicle registration number associated with a subscriber number as claimed. Also not disclosed is that the control list (parking ticket) has the information concerning the period of parking and the vehicle registration number. Also not disclosed is that the identification of the parking machine is entered by the motorist.

Ilen discloses a method and system where a user can pay for parking fees by using their mobile phone. The mobile phone is used to send data to a central computer (parking server) so that the parking fee can be paid for. The user is disclosed as using the phone to submit information such as parking location and parking time (see page 3). Ilen discloses that the user can supply in advance, their vehicle registration number (vehicle ID), and system will recognize the vehicle based on a code, which is encoded into the SIM card (the subscriber identification module) of their phone. This teaches that the vehicle information (registration number) is determined at the server based on the number found in the SIM card (a subscriber number). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Fulcher with the ability to take parking data and payment data by phone as disclosed by Ilen, so that the user has a convenient and easy way to pay for parking. This would then result in data being sent by phone to the server 512, and then to the parking machine 2 so that a parking ticket can be printed for the motorist to place inside their vehicle. It also would have been obvious to one of ordinary skill in the art at the

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time the invention was made to have the server determine a vehicle registration number as claimed so that the motorist is easily identified by the server based on their subscriber number (SIM card). This feature is disclosed by Illen.

With respect to the motorist entering the identification of the parking ticket machine, the examiner notes that Fulcher discloses that the motorist identifies the vehicle space they are parking in. Fulcher recognizes the importance of having the motorist provide some kind of identifying data that indicates where their vehicle is parked. In view of this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the motorist identify the parking ticket machine they are parked at, which at the same time may also identify the parking space, so that the parking management system knows where the vehicle is parked. One of ordinary skill in the art at the time the invention was made would have found it obvious to identify the parking ticket machine you are parked at, which will identify a space you are parked at or the zone where you are parked. Because Fulcher discloses the receiving of parking space identification data, one of ordinary skill in the art would have found it obvious to use other parking space identification data, such as identification of the parking ticket machine you are parked at.

With respect to the parking tickets having the desired period of parking and the vehicle registration number, in view of the fact that a parking ticket is disclosed as being given to the motorist to be placed in their vehicle, and knowing that parking tickets normally contain information concerning a transaction (cost, date, identification of item/service purchased, etc.), it would have been obvious to one of ordinary skill in the

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art at the invention was made to provide the receipts with desired period of parking and the vehicle registration number, so that the user has an accurate parking ticket to place in their vehicle that would identify both the vehicle and the amount of time they are to be parked. One of ordinary skill in the art would have found it obvious to put this information on the parking tickets.

For claim 27, in addition to that above, not specifically disclosed is that the period for parking includes the parking start time and ending time. Ilgen discloses that the motorist enters the start time for parking, see page 3, lines 25-30. One of ordinary skill in the art would recognize that the period of parking can be obtained by entering the total time that the motorist would like to park, or can be done by entering the start and ending time. These are options that one of ordinary skill in the art would find as obvious. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the motorist enter the start time for parking and the end time for parking as claimed, so that the amount of actual parking time can be calculated. This is just claiming another way to determine the amount of parking time and is something that one of ordinary skill in the art would find as obvious.

For claims 29,31, Fulcher discloses an automated parking fee collection and parking ticket dispensing system. Fulcher discloses a parking machine 2 that is in communication with a parking server (offsite computer 512). It is disclosed that information in the form of data and program files is communicated between the server and the ticket machine. See column 19, lines 16-19, lines 51-54; column 23, lines 1-12, lines 23-30. See column 19, lines 20-29 for the disclosure of having the customer input

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information concerning the parking location (spot number), and the amount of parking time that the space will be used. The parking machine is disclosed as calculating the parking fee and providing tickets to the customers, which are then supposed to be placed inside their vehicle so that it can be visually inspected (see column 17, line 65 to column 18, line 1; 18, lines 34-37; column 19, lines 28-33).

Not disclosed is the use of a mobile phone as claimed. Also not disclosed is that the parking tickets have information concerning the parking time and the registration number. Also not disclosed is that the registration number is received by the server from the mobile phone. Also not disclosed is that the identification of the parking machine is entered by the motorist.

Ilen discloses a method and system where a user can pay for parking fees by using their mobile phone. The mobile phone is used to send data to a central computer (parking server) so that the parking fee can be paid for. The user is disclosed as using the phone to submit information such as parking location and parking time (see page 3). Ilen also discloses that the motorist enters their vehicle registration number and starting time for parking, which is sent to the server, see page 3. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the system of Fulcher with the ability to take parking data and payment data by phone as disclosed by Ilen, so that the user has a convenient and easy way to pay for parking. This would then result in data being sent by mobile phone to the server 512, and then to the parking machine 2 so that a parking ticket can be printed for the motorist to place inside their vehicle. It also would have been obvious to one of ordinary skill in the art at the

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time the invention was made to have the motorist enter their vehicle registration number for purposes of vehicle identification as is disclosed by Illen.

With respect to the parking tickets having the desired period of parking and the vehicle registration number, in view of the fact that a parking ticket is disclosed as being given to the motorist to be placed in their vehicle, and knowing that parking tickets normally contain information concerning a transaction (cost, date, identification of item/service purchased, etc.), it would have been obvious to one of ordinary skill in the art at the invention was made to provide the receipts with desired period of parking and the vehicle registration number, so that the user has an accurate parking ticket to place in their vehicle that would identify both the vehicle and the amount of time they are to be parked. One of ordinary skill in the art would have found it obvious to put this information on the parking tickets.

With respect to the motorist entering the identification of the parking ticket machine, the examiner notes that Fulcher discloses that the motorist identifies the vehicle space they are parking in. Fulcher recognizes the importance of having the motorist provide some kind of identifying data that indicates where their vehicle is parked. In view of this teaching, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the motorist identify the parking ticket machine they are parked at, which at the same time may also identify the parking space, so that the parking management system knows where the vehicle is parked. One of ordinary skill in the art at the time the invention was made would have found it obvious to identify the parking ticket machine you are parked at, which will identify a

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space you are parked at or the zone where you are parked. Because Fulcher discloses the receiving of parking space identification data, one of ordinary skill in the art would have found it obvious to use other parking space identification data, such as identification of the parking ticket machine you are parked at.

With respect to claim 31, in addition to that above, not specifically disclosed is that the period for parking includes the parking start time and ending time. Ilgen discloses that the motorist enters the start time for parking, see page 3, lines 25-30. One of ordinary skill in the art would recognize that the period of parking can be obtained by entering the total time that the motorist would like to park, or can be done by entering the start and ending time. These are options that one of ordinary skill in the art would find as obvious. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the motorist enter the start time for parking and the end time for parking as claimed, so that the amount of actual parking time can be calculated. This is just claiming another way to determine the amount of parking time and is something that one of ordinary skill in the art would find as obvious.

For claims 23,26,28,30,32, not disclosed is that a payment by telephone option is selected on the parking ticket machine that puts the ticket machine in a stand-by mode where the machine waits for parking data to be received from the server. Fulcher discloses in column 16 that the motorist is presented with various payment options to pay for parking. It is disclosed that the motorist selects the appropriate payment button on the ticket machine. The various payment options have a button that is to be selected on the ticket machine. Not disclosed is that a payment by telephone option is selected

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as claimed. In view of the fact that the prior art of Fulcher has been modified to accept parking data and payment by telephone, and in view of the fact that Fulcher discloses that the various payment options are displayed to the motorist for their selection, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the ticket machine with a payment by telephone option as is claimed. This would inform the parking machine that the parking information and payment is being handled by phone. It then follows that the ticket machine will receive data from the server that indicates the parking time, vehicle identification information, etc. so that a ticket can be printed for the motorist to be placed in their vehicle. The claimed "authorization control elements" that are supplied by the ticket machine is considered to be data that is on the parking ticket that is issued to the motorist. The machine supplies the parking ticket with authorization control elements (i.e. transaction data).

6. Applicant's arguments with respect to claims 22-32 have been considered but are moot in view of the new ground(s) of rejection.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Ruhl whose telephone number is 571-272-6808. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DENNIS RUHL
PRIMARY EXAMINER